

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**CRM-M-43346-2020
Date of decision: 22.12.2020**

Ram Dev

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. J. S. Bedi, Senior Advocate with
Mr. Rubal Garg, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 358 dated 11.10.2020, registered under Sections 307, 365, 341, 323, 120-B, 148, 149 of the IPC and Sections 25, 27 of the Arms Act, 1959 at Police Station Sadar Fazilka, District Fazilka.

Learned senior counsel for the petitioner submits that as per the allegations in the FIR, the petitioner, along with other persons, has way laid the complainant. It is further stated in FIR that petitioner Ram Dev was holding a licensed pistol and has opened fire, however, the complainant escaped. Thereafter, as many as 19 persons were named in the FIR who caused injuries to complainant.

Learned senior counsel further argues that in fact the petitioner was not present at the spot as he was busy in some mediation proceedings at Police Station Vairoke, District Fazilka, which is at a distance of about 40 Kms. from the place of occurrence and the petitioner has falsely been implicated in this case.

Learned senior further submits that two of the co-accused, namely Parveen Kumar @ Prince and Varinder Kumar @ Ravinder Kumar, have already granted concession of interim anticipatory bail by this Court, vide orders dated 26.11.2020 and 14.12.2020 passed in CRM-M Nos. 39487 & 40969 of 2020, respectively, as these co-accused were attributed only *lalkara* and simple injuries.

Learned senior counsel further submits that it is a case of no injury and in fact the entire story is concocted one as no fire arm was ever used and no empty shell was ever recovered.

Learned senior counsel relies upon certain affidavits (Annexures P-2 to P-4) of the persons, who had stated that the petitioner, at the relevant time, was present in Police Station Vairoke, District Fazilka and he was not present at the place of occurrence.

Notice of motion.

Ms. Monika Jalota, DAG, Punjab, who is also appearing through video conferencing, accepts notice on behalf of the respondent-State.

Learned State counsel, on instructions from ASI Lakhwinder Singh, could not dispute that petitioner is not attributed any injury which is blunt in nature and there is no gun shot corresponding to the allegations qua the petitioner.

After hearing learned counsel for the parties and going through the MLR in which no fire arm injury is reported and also in view of the fact that the petitioner has set up a plea of alibi that he was not present at the spot and in the FIR, as many as 19 persons have been named, some of whom have already been granted concession of interim bail as noticed above, the

present petition is allowed and the petitioner is granted concession of anticipatory bail subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the Investigating Officer to call upon the petitioner to join investigation, if so required, by issuing him a written notice in this regard.

22.12.2020
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No